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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/950,097	09/10/2001	Donald Stylinski	H0001343	2242

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EXAMINER	
SAADAT, CAMERON	
ART UNIT	PAPER NUMBER
3715	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/950,097	STYLINSKI ET AL.	
	Examiner	Art Unit	
	CAMERON SAADAT	3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *23-33 and 37-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *23-33 and 37-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In response to amendment filed 2/19/2008, claims 23-33, 37-42, and newly added claims 43-44 are pending. Claims 1-22 and 34-36 are cancelled.

Claims 22-33, 37-42, and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huffman et al. (USPN 6,053,736; hereinafter Huffman) in view of Lin (USPN 6,478,581 B1), further in view of Darago et al. (USPN 6,170,014 B1; hereinafter Darago), still further in view of Salisbury "Web-Based Simulation Visualization using Java3D".

Regarding claims 23, 37, and 43 Huffman discloses a content-providing system for a flight simulator over a network to remotely-located users 11, the system comprising: a gateway having an interface 11c to a digital network (See Col. 4, lines 66-67); and at least one general-purpose host computer system 16 executing a server portion of the flight simulator program (Col. 9, lines 62-67); wherein the gateway is operable to connect to the server portion from a user executing a client portion 11 of the flight simulator program over the digital network (Col. 4, lines 37-38, 49-55; Col. 5, lines 13-17), and to establish a connection between the client portion and the server portion such that primary processing for the flight simulator takes place at the server portion, and such that interface updates are processed at the client portion (Col. 5, lines 8-12). Huffman does not explicitly use the term "simulation card". However, it is noted that appellant's specification describes a "simulation card" in the specification, as "cards that execute programs that are to be accessed by users across a network" (appellant's specification, P. 12, lines 15-17). Accordingly, Huffman discloses a memory card 17 comprising simulation programming wherein memory card 17 may reside on the host computer 16 for delivering simulation data to client portion 11 (Huffman, Col. 7, lines 56-61).

Huffman discloses simulation programming for simulating an actual aircraft, but does not explicitly disclose the feature of *using code that is based upon actual code from an actual aircraft component*. However, it is noted by the examiner that the purpose of a simulation system is to closely

emulate an actual system. Therefore, if not implicit, it would be obvious to an artisan to mimic various characteristics of an actual system in order to provide a realistic simulation system. In addition, Lin discloses a flight simulation system wherein simulation code is derived from an actual aircraft component and modified to operate on a simulation system (Col. 1, lines 19-25,Col. 2, lines 20-25, 62-64). Hence, in view of Lin, it would have been obvious to one of ordinary skill in the art to modify the simulation described in Huffman, by providing a simulation comprising code derived from an actual aircraft component in order to simulate real avionics equipment in a flight simulator environment, thereby providing a more realistic simulation for providing training (See Lin, Col. 1, lines 19-25,Col. 2, lines 20-25, 62-64; Col. 4, lines 49-51).

The combination of Huffman and Lin discloses all of the claimed subject matter of claims 1, 7, and 15 with the exception of explicitly disclosing a database operable for providing *authentication information of a user*. However, Darago teaches a system for managing courseware in a shared environment via a network, wherein the courseware may include a flight simulator (Col. 1, lines 30-32), and wherein the system accesses database 302 and 408 to verify user authentication information and billing information (Col. 10, lines 50-61; Col. 3, lines). Hence, in view of Darago, it would have been obvious to an artisan to modify the storage unit described in the combination of Huffman and Lin, by providing a database comprising user authentication information of users, in order to protect licensed content and to limit use of the content to registered users that are charged accordingly for usage.

The combination of Huffman, Lin, and Darago does not explicitly disclose a "browser", however, it is the examiner's position that it is well known to utilize a browser program for providing an interface for a user in a network system. In addition, Salisbury teaches a web-based simulation system comprising a browser (see Fig. 2; P. 1427). Thus, in view of Salisbury, it would have been obvious to one of ordinary skill in the art to modify the user interface described in the combination of Huffman, Lin, and

Darago, by providing a browser, in order to provide a user interface capable of delivering a three-dimensional simulation from a web-server.

Additionally, Huffman discloses a flight simulator accessed through a network, comprising a host computer 16 that transfers data to client computer 11. Huffman does not explicitly disclose (as per claims 1 and 7) a *public* digital network between host computer 16 and client computer 11. However, it is the examiner's position that providing computerized training over a *public* network is notoriously well known in the art for providing training to users at a number of distributed sites, thereby overcoming geographical limitations that require students be in one specific location. Furthermore, both Darago (Col. 9, lines 25-52) and Salisbury (See Abstract; Fig. 1) teach a system for providing training over a public digital network. In particular, Salisbury describes a networked simulation system wherein web-based simulation is provided utilizing hypertext transfer protocol (HTTP), which is a set of rules for transferring data on the World Wide Web (See P. 1426, Fig. 1; Col. 1-2). Clearly, one of ordinary skill in the art would be motivated to modify the local area network described in Huffman, by providing the distributed interactive simulation over a *public* network, such as the Internet, in order to provide simulation and training to users at a number of distributed sites, thereby overcoming geographical limitations that require students be in one specific location (See Salisbury See Abstract; Fig. 1). Furthermore, Appellant's specification discusses various network configurations including both public and private networks, and it is appellant's own admission that "Such communication methods are well known in the art, and are covered in a variety of standard texts." *See Appellant's specification, P. 10, lines 9-19.*

Regarding claims 23, 28-29, and 43, these claims emphasize the feature of providing co-processor cards executing actual flight management system software. Applicant argues that this feature distinguishes over the prior art of record. Applicant also emphasizes that their specification supports this language since reference is made to DTTS and RACE cards

manufactured by Thales Training and Simulation Ltd. It is additionally noted by Applicant that these cards are known to execute actual flight management system software, and a detailed description of these cards is provided in US 6,085,273. The Examiner notes that Ball et al. (US 6,085,273) additionally teaches a multi-processor computer system. In light of applicant's admission that executing actual flight management software on a multi-processor system is known, and the teachings of Ball, it is the examiner's position that it would have been obvious to one of ordinary skill in the art to modify the simulation system described in the combination of Huffman, Lin, Darago, and Salisbury, by providing co-processor cards executing an actual flight management system software, in order to increase computing power such that more simulation data can be handled by the computer system at a faster rate, thereby allowing the simulation to more closely resemble a real flight experience.

Regarding claims 30-33 and 43-44, the combination of references does not explicitly disclose the feature of allowing a user to set user preferences, including choices for aircraft type and for a navigation database version; (as per claim 43) providing a client application that comprises a library of graphical imagery for an aircraft electronic flight instrument system. However, it is the examiner's position that the feature of providing user preferences in a flight simulator is old and well known for allowing a user to select a desired aircraft and corresponding instrument panel and a particular navigation chart for which he/she is training for in order to familiarize himself with instruments of particular planes. The following documentary evidence is provided supporting this official notice:

- Microsoft© Flight Simulator 98, As real As It Gets, Pilot's Guide: pages 2-6 disclose a flight simulator with eight aircraft with photorealistic panels and a navigation chart library.

Regarding claims 38-39, the combination of Huffman and Lin does not explicitly disclose that the gateway is configured to "update billing information" (as per claim 4) according to "time of usage" as per claims 9-10. However, Darago discloses a system for delivering simulator content or training content (Col. 1, lines 30-32) over a network, wherein meter manager 406 monitors and updates a user's usage of content for billing purposes (Col. 15, lines 12-20). Hence, in view of Darago, it would have been obvious to an artisan to modify the system described in the combination of Huffman and Lin, by tracking and updating billing information, in order to charge users based on usage of licensed content.

Regarding claims 24-26 and 40-42, Huffman discloses all of the claimed subject matter with the exception of explicitly disclosing that the actual aircraft component is a flight management system (FMS). However, Lin discloses a networked flight simulation system wherein simulation code is derived from an actual flight management system (Col. 2, lines 20-25; Col. 8, line 31; Fig. 2). Hence, in view of Lin, it would have been obvious to a person of ordinary skill in the art to modify the simulation described in Huffman, by providing a simulation comprising code derived from an OFP – operational flight program in order to simulate real avionics equipment in a flight simulator environment (See Lin, Col. 1, lines 19-25,Col. 2, lines 20-25, 62-64; Col. 4, lines 49-51).

Response to Arguments

Applicant's arguments with respect to claims 23-33 and 37-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAMERON SAADAT whose telephone number is (571)272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cameron Saadat/
Primary Examiner, Art Unit 3715